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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**CIVIL MINUTES - GENERAL**

Case No.	SACV 14-0488 (AG) (RNBx)	Date	April 2, 2014
Title	OCEAN BREEZE APARTMENT ASSOCIATES LP v. OLIVIA CRUZ et al.		

Present: The Honorable ANDREW J. GUILFORD

Lisa Bredahl

Not Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

Proceedings: [IN CHAMBERS] ORDER REMANDING CASE

Plaintiff Ocean Breeze Apartment Associates, LP filed this case in state court, stating a simple cause of action for unlawful detainer. On April 1, 2014, Stan Lara ("Lara") filed a Notice of Removal, which removed this case from state to federal court. For the reasons that follow, the Court REMANDS the case to state court.

Cases filed in state court may be removed to federal court if the federal court would have had original jurisdiction over the suit. 28 U.S.C. § 1441(a). In other words, federal removal jurisdiction is proper "[if] the case originally could have been filed in federal court." *City of Chicago v. Int'l College of Surgeons*, 522 U.S. 156, 163 (1997). Removal jurisdiction should be strictly construed in favor of remand to protect the jurisdiction of state courts. *Harris v. Bankers Life and Cas. Co.*, 425 F.3d 689, 698 (9th Cir. 2005) (citing *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108-09 (1941)).

Lara argues that this Court has federal jurisdiction under 28 U.S.C. Sections 1331 and 1441. (Notice of Removal at 2:16-24.) Lara says "[t]he complaint presents federal questions" and that "Defendants pleading depends on the determination of Defendant's rights and Plaintiff's duties under Federal Law." (Notice of Removal at 2:18-19; 3:23-27.)

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But federal questions conferring federal jurisdiction “must be disclosed on the face of the complaint, unaided by the answer or by the petition for removal.” *California ex rel. Lockyer v. Dynergy, Inc.*, 375 F.3d 831, 893 (9th Cir. 2004) (quoting *Gully v. First Nat’l Bank in Meridian*, 399 U.S. 109, 112 (1936)). Lara cannot create federal jurisdiction by bringing up provisions of the “Fair Housing Act and U.S.C. 3604(f)(3)” in his Notice of Removal. There are no federal questions on the face of Plaintiff’s form unlawful detainer complaint. Thus this Court does not have jurisdiction.

The Court reminds Lara that “[s]peedy adjudication is desirable [in unlawful detainer cases] to prevent subjecting the landlord to undeserved economic loss and the tenant to unmerited harassment and dispossession when his lease or rental agreement gives him the right to peaceful and undisturbed possession of the property.” *Lindsey v. Normet*, 405 U.S. 56, 73 (1972). Improper removal of unlawful detainer cases raises these concerns. Lara is cautioned not to improperly seek federal jurisdiction, particularly for delay. *See Newman & Cahn, LLP v. Sharp*, 388 F. Supp. 2d 115, 119 (E.D.N.Y. 2005) (finding that a removal was “frivolous and unwarranted,” but declining to order sanctions against the removing party “because she [was] pro se,” though warning her “that the filing of another frivolous paper with the Court may result in monetary sanctions under Rule 11”).

The Court also notes that Lara is representing himself without a lawyer. People who represent themselves in court without a lawyer are called “pro se litigants.” Whether acting as plaintiffs or defendants, pro se litigants in federal court face special challenges. The Public Law Center runs a Federal Pro Se Clinic at the Santa Ana federal courthouse where pro se litigants can get free information and guidance. Visitors to the clinic must make an appointment by calling (714) 541-1010 (x222). The clinic is located in Room 1055 of the Ronald Reagan Federal Building and United States Courthouse, 411 W. 4th Street, Santa Ana, CA. For more information about the clinic, visit <http://court.cacd.uscourts.gov/cacd/ProSe.nsf> and select “Pro Se Clinic - Santa Ana.”

Lara fails to establish that federal jurisdiction exists over this case. The case is **REMANDED** to the appropriate state court.

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